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USAA CASUALTY INSURANCE COMPANY

**IN UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA**

JEREMY R. WHITELEY,

Plaintiff,

vs.

USAA CASUALTY INSURANCE
COMPANY,

Defendant.

CASE NO.: 2:24-cv-00138-FLA-MAA

**DEFENDANT USAA CASUALTY
INSURANCE COMPANY'S INDEX
OF EVIDENCE IN SUPPORT OF
MOTION FOR SUMMARY
JUDGMENT**

Hearing Date: March 14, 2025
Hearing Time: TBD
Crtrm.: 6B
Judge: Hon. Aenlle-Rocha
Cmplt. Filed: Jan. 5, 2024

Defendant USAA Casualty Insurance Company ("USAA CIC") respectfully
submits its Index of Evidence in support of its Motion for Summary Judgment.

INDEX OF EVIDENCE

DECLARATION OF JESSICA J. ROSS

Exhibit 1

Homeowners Policy for the property located at 6721 E McDowell
Road, Unit 322C, Scottsdale, Arizona 85257, Policy No. 00777 83
75 90A, effective from September 1, 2021 through September 1,
2022.

Declaration of Jessica J. Ross ("Ross Decl."), ¶3.

Exhibit 2	Umbrella Policy, No. 007778375-70U, effective from January 16, 2022 through May 13, 2022. Ross Decl., ¶4.
Exhibit 17	Deposition Transcript of Mark Israel, dated November 21, 2024. Ross Decl., ¶5.

DECLARATION OF BARBARA GONZALEZ

Exhibit 3	Complaint in <i>Breaking Code Silence v. Katharine McNamara, and Jeremy Whiteley</i> , filed March 28, 2022 in United States District Court for the Central District of California, Case No. 2:22-cv-002052. Declaration of Barbara Gonzalez in Support of USAA’s Motion for Summary Judgment (“Gonzalez Decl.”), ¶6.
Exhibit 4	C-COM Messages within USAA CIC’s Claim File, dated April 21, 2022, regarding Whiteley’s initial loss report. Gonzalez Decl., ¶6.
Exhibit 5	USAA CIC Activity Log Documentation Number 5, dated April 22, 2022, regarding Kaczmarek’s assignment to Whiteley’s claim and initial investigation and impressions of the same. Gonzalez Decl., ¶7.
Exhibit 6	USAA CIC Activity Log Documentation Number 12, dated April 22, 2022, regarding Kaczmarek’s call with Whiteley. Gonzalez Decl., ¶8.
Exhibit 7	C-COM Messages within USAA CIC’s Claim File, dated April 22, 2022, regarding Whiteley’s dispute of Kaczmarek’s initial statements regarding coverage.

	Gonzalez Decl., ¶8.
Exhibit 8	USAA CIC Activity Log Documentation Number 14, dated April 22, 2022, concerning Resolve Legal Question template completed by Kaczmarek. Gonzalez Decl., ¶9.
Exhibit 9	USAA CIC Activity Log Documentation Number 17, dated April 22, 2022, concerning Resolve Legal Question template completed by Kathryn Mashaw. Gonzalez Decl., ¶9.
Exhibit 10	USAA CIC Activity Log Documentation Numbers 19-20, dated April 23, 2022, concerning Gonzalez's review of file. Gonzalez Decl., ¶10.
Exhibit 11	USAA CIC Activity Log Documentation Number 23, dated April 26, 2022, concerning Kaczmarek's contact with law firm. Gonzalez Decl., ¶11.
Exhibit 12	C-COM Messages within USAA CIC's Claim File, dated April 26, 2022, between Kaczmarek and Whiteley. Gonzalez Decl., ¶12.
Exhibit 13	USAA CIC Activity Log Documentation Numbers 1, 4, and 6 for L/R #30, dated April 27, 2022, concerning Resolve Legal Question template completed by Kaczmarek. Gonzalez Decl., ¶13.
Exhibit 14	USAA CIC Activity Log Documentation Numbers 10 for L/R #30, dated April 27, 2022, concerning Resolve Legal Question template completed by Holmes.

1		Gonzalez Decl., ¶14.
2	Exhibit 15	USAA CIC Activity Log Documentation Number 14 for L/R #30, dated April 28, 2022.
3		Gonzalez Decl., ¶15.
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5	Exhibit 16	USAA CIC Activity Log Documentation Number 37, dated April 27, 2022.
6		Gonzalez Decl., ¶16.
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8	Exhibit 18	C-COM Messages within USAA CIC's Claim File, dated May 3, 2022.
9		Gonzalez Decl., ¶17.
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11	Exhibit 19	USAA CIC Activity Log Documentation Number 59, dated May 10, 2022.
12		Gonzalez Decl., ¶18.
13		
14	Exhibit 20	C-COM Messages within USAA CIC's Claim File, dated May 12, 2022.
15		Gonzalez Decl., ¶19.
16		
17	Exhibit 21	USAA CIC Activity Log Documentation Number 72, dated May 16, 2022.
18		Gonzalez Decl., ¶20.
19		
20	Exhibit 22	Draft Response Letter prepared by Mark Israel and sent to Kaczmarek as an attachment to May 16, 2022 e-mail correspondence.
21		Gonzalez Decl., ¶20.
22		
23	Exhibit 23	USAA CIC Activity Log Documentation Number 74, dated May 16, 2022.
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	Gonzalez Decl., ¶21.
Exhibit 24	Correspondence from USAA CIC to Whiteley and his counsel, dated May 17, 2022. Gonzalez Decl., ¶22.
Exhibit 25	USAA CIC Activity Log Documentation Number 77, dated May 17, 2022. Gonzalez Decl., ¶23.
Exhibit 26	USAA CIC Activity Log Documentation Numbers 87-88, dated May 20-27, 2022. Gonzalez Decl., ¶24.
Exhibit 27	Written correspondence from Whiteley’s counsel to USAA CIC, dated September 21, 2023. Gonzalez Decl., ¶25.
Exhibit 28	USAA CIC Activity Log Documentation Numbers 112, 113 and 115, dated September 21-22, 2023. Gonzalez Decl., ¶25.
Exhibit 29	USAA CIC Activity Log Documentation Number 134, dated November 9, 2023. Gonzalez Decl., ¶26.
Exhibit 30	Draft response letter to Whiteley’s counsel, prepared by Mark Israel and sent to USAA CIC as an attachment to his November 9, 2023 e-mail correspondence. Gonzalez Decl., ¶26.

Exhibit 31

Written correspondence from USAA CIC to Whiteley's counsel, dated November 9, 2023.

Gonzalez Decl., ¶27.

Dated: January 31, 2025

DKM LAW GROUP, LLP

By: /s/Jessica J. Ross

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